

REMARKS

Claims 11-58 are pending and stand rejected under the doctrine of obviousness-type double patenting over claims 1-18 of U.S. Patent 6,740,664. Claims 11-31 and 43 stand rejected under the doctrine of obviousness-type double patenting over claims 1-14 of U.S. Patent 6,716,830.

Applicants do not necessarily agree with the Examiner's double patenting rejection and her apparent position that “[i]t would have been obvious to use moxifloxacin, a quinolone antibiotic for treating ophthalmic infection” in view of U.S. Patent No. 6,716,830. In any event, without agreeing to the propriety of the double patenting rejections, Applicants submit herewith a terminal disclaimer over the '830 and '664 patents in an effort to advance prosecution. Each of the double patenting rejections thus is now moot. As all outstanding issues have been resolved, the application is now in condition for allowance. Prompt issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,
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